



## **LOCAL GOVERNMENT BOUNDARIES COMMISSION**

### **FREQUENTLY ASKED QUESTIONS**

#### **What is the role of the Boundaries Commission?**

The Local Government Boundaries Commission is an independent statutory authority which examines and reports on any matter referred to it by the Minister in relation to the boundaries of local government areas. The Boundaries Commission is constituted under [section 260](#) of the Local Government Act.

#### **Who are the members of the Boundaries Commission?**

Four commissioners are appointed to the Boundaries Commission by the Governor for a five-year term.

Of the four commissioners, one (the Chair) is nominated by the Minister for Local Government, two are appointed from a panel comprising members nominated by Local Government NSW, and one is an officer of the Office of Local Government nominated by the agency's Deputy Secretary.

Current Commissioners are Bob Sendt (chairman), Councillor Rick Firman (Temora), Councillor Lesley Furneaux-Cook (Burwood), and Grant Gleeson (Office of Local Government).

#### **What proposals are currently being examined by the Boundaries Commission?**

On 25 February 2020, the Minister for Local Government Shelley Hancock referred to the Commission two elector initiated proposals that would affect the boundaries of the Snowy Valleys Council and Cootamundra-Gundagai Regional Council.

In relation to Snowy Valleys Council, the proposal seeks to re-establish the area of the former Tumbarumba Shire and reduce the local government area of Snowy Valleys Council so that it corresponds to the former Tumut Shire Council.

In relation to Cootamundra-Gundagai Regional Council, the proposal seeks to re-establish the area of the former Gundagai Shire and reduce the local government area of Cootamundra-Gundagai Regional Council so that it corresponds to the former Cootamundra Shire Council.

In effect, these proposals seek to reverse the mergers that were put in place in 2016.

These proposals and the Minister's letters referring them to the Commission can be viewed [here](#).

### **What will the Boundaries Commission take into consideration in their examination of the current proposals?**

Section 263(3) of the Local Government Act sets out eleven factors that the Commission is required to have regard to in examining any proposal for changes to local government boundaries. Two of these factors relate only to proposals for merging council areas, so are not relevant to the Commission's current examinations. The remaining factors cover issues such as:

- financial advantages/disadvantages
- the community of interest and geographic cohesion
- attitude of residents and ratepayers
- requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level
- any impact on council operations and staff, and
- any impact on rural communities in the areas concerned.

The Minister has also directed the Commission to hold an inquiry into each proposal. See below for further information on these public hearings.

### **Can I make a written submission to the Boundaries Commission?**

Submissions already made by affected electors and councils to the Minister for Local Government or to the Commission do not need to be resubmitted.

The Commission has now published public notices in a number of newspapers calling for written submissions from parties affected by the proposals. This provides a further opportunity for parties who have not made a submission or who wish to provide supplementary material.

### **How can I make a written submission?**

Written submissions on each proposal should be forwarded to Local Government Boundaries Commission, Executive Officer, Locked Bag 3015, Nowra NSW 2541 or emailed to [EO@lgbc.nsw.gov.au](mailto:EO@lgbc.nsw.gov.au).

It would assist the Commission in its deliberations if parties could indicate in their submissions which of the section 263(3) factors they are addressing.

Submissions for the Snowy Valleys proposal close 5pm 13 November 2020.

Submissions for the Cootamundra-Gundagai proposal close 5pm 4 December 2020.

### **Will written submissions be made public?**

Submissions received by the Commission may be made publicly available at its discretion. If submissions are made public, contact details will be redacted. The name of the person making the submission may be released unless the person has requested to remain anonymous.

Any submissions received are also subject to the *Government Information (Public Access) Act 2009*.

### **Can I make an anonymous submission?**

The Commission is required to have regard to the views of residents and ratepayers. While this does not preclude other parties from making a submission, any resident or ratepayer making a submission should identify themselves. In respect of anonymous submissions, the Commission may, at its discretion, take all or part of such a submission into account.

Those making a submission can request that their identity remains anonymous.

### **Will the Boundaries Commission hold public hearings?**

The Minister has directed the Commission to hold public hearings as part of the examination process. These will be held in Cootamundra, Gundagai, Tumut and Tumbarumba.

Hearings are open to members of the public and media. However due to the COVID-19 pandemic, the number of persons who may attend the venues will be restricted to comply with COVID Safety Plan requirements (see below).

Further information about times, location and procedures for any hearings can be found on the Commission's [website](#).

### **Does COVID-19 impact on the process?**

Due to the COVID-19 pandemic, the number of persons who may attend the public hearing venues will be restricted to comply with COVID Safety Plan requirements.

*If you wish to attend one of the hearing sessions (whether or not you want to speak), it is strongly recommended that you register in advance. Registrations will open on 5 October 2020. A failure to register may mean you will be unable to attend.*

The Commission continues to monitor all government requirements in respect of the coronavirus pandemic, particularly in relation to public gatherings. If the Commission subsequently needs to amend any arrangements due to the impact of COVID-19, details will be published on its website.

### **Can I speak at the public hearings?**

Yes, but because of the COVID Safety Plan restrictions on numbers attending, you should register on the Commission's website if you wish to speak at one of the public hearings. Registrations will open on 5 October 2020. A failure to register may mean you will be unable to make an oral submission. You may still make a written submission.

Speakers will be allotted 3 minutes to address the Commission, whilst councils and the proponents of the proposal will have 15 minutes.

### **Can I attend the hearings if I don't intend to speak?**

Yes, but because of the COVID Safety Plan restrictions on numbers attending, you should register in advance on the Commission's website. A failure to register may mean you will not be able to attend. Priority for attendance will be given to those who register to address the Commission. If you want to observe the hearings, you should also consider watching the webcast rather than registering to attend in person.

### **What if I can't attend?**

For those unable to attend in person, the hearings will be accessible via webcast on the Boundary Commission website.

### **Is there protection from defamation at hearings or in written submissions?**

Persons making written or oral submissions to the inquiry are not protected from defamation in respect of anything contained in those submissions. They should therefore ensure that they do not make any statement that may give rise to legal action by an aggrieved party.

### **Can I be represented at hearings?**

Section 264 of the Local Government Act provides the circumstances in which a person can be represented in proceedings before the Commission. People who wish to be heard at the public hearings should make themselves aware of the restrictions set out in that section.

### **Will the hearings be recorded?**

Audio recordings and written transcripts will be made of public hearings to assist in the Commission's consideration of the proposals. By making an oral submission to the Commission at a public hearing, the speaker consents to their submission being recorded. Audio recordings and transcripts will not be made publicly available by the Commission, however, recordings and transcripts are subject to the *Government Information (Public Access) Act 2009*.

### **Will the hearings be webcast?**

Noting that venue capacity is reduced due to COVID-19 restrictions, the Commission will webcast the hearings to allow people access who cannot otherwise attend the venue. If you wish to observe the hearings by webcast, the link to watch the webcast will be made available on the website.

### **What happens after the submissions and public hearings?**

The Commission will prepare a report for the Minister on each proposal with recommendations as to whether the proposal should be implemented.

### **What happens to the Boundaries Commission's reports?**

Once the Minister receives a report from the Commission, the Minister may recommend to the Governor that the proposal be implemented (with any modifications the Minister decides appropriate) or may decline to do so.

The report will only be published on the Commission's website with the Minister's consent.

**How long will the examination by the Boundaries Commission take?**

The Act does not provide a timeframe for the process to be undertaken. However the Commission is aware of the need for it to be completed in a reasonable timeframe to provide certainty to councils and communities.